HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

WRIT PETITION NO. 27420 OF 2003

Between:

Gajjela Komaraiah

..... Petitioner

AND

Government of India,
Rep. By its Under Secretary,
Ministry of Home Affairs,
New Delhi & others

.....Respondents

:: O R D E R ::

Counsel for the petitioner : Ms. K. Surekha

Counsel for respondent No.1 : Shri A. Rajashekar Reddy
Assistant Solicitor General

Dated: 12.12.2006

This is a petition for quashing show cause notice dated 09.04.2001 vide which the Government of India suspended the pension being paid to the petitioner under Swatantrata Sainik Samman Pension Scheme, 1980 (for short 'the 1980 Scheme').

On the last date of hearing i.e. 10.10.2006, the Court had taken serious view of the casual manner in which the show cause notice was kept pending by the concerned authority of the Government of India for a period of more than five years and six months and directed that final order must be passed on or before 05.12.2006.

Shri A. Rajashekar Reddy, learned Assistant Solicitor General says that the Government of India has decided to cancel the pension sanctioned to the petitioner. He produced before the Court FAX dated 11.12.2006 sent to him by the Director, Ministry of Home Affairs, Freedom Fighters Division (Hyderabad Cell). That letter reads as under:

> " I am directed to invite reference to this Ministry's letter of even number dated 29th November 2006 on the above subject and to

say that **a decision to cancel the pension of Shri Gajjela Komaraiah has been taken at the competent level**.

A detailed speaking cancellation order conveying the cancellation of pension of Shri Gajjela Komaraiah is under preparation for issue.

It is requested that the above position may kindly be brought to the notice of the Hon'ble Court when the case comes up for hearing on 12.12.2006."

Shri Reddy says that the detailed order containing reasons for cancellation of the pension sanctioned to the petitioner is being separately communicated to him.

In view of the above development, the writ petition is disposed of as infructuous with liberty to the petitioner to file fresh petition to challenge the decision taken by the Government of India to cancel the pension payable to him under the 1980 Scheme.

As a sequel to disposal of the writ petition as infructuous, W.P.M.P.No.34745 of 2003 filed by the petitioner for interim relief is dismissed.

Shri A. Rajashekar Reddy should hand over a copy of letter dated 11.12.2006 along with copy of the reasoned order to the learned counsel for the petitioner latest by 18.12.2006.

G.S.SINGHVI, CJ

ksld
12.12.2006